

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Request for Review)	
of the Decision of the)	
Universal Service Administrator)	
)	
Banning Unified School District)	Application Nos. 312273, 295351
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

To: The Chief, Wireline Competition Bureau

**REQUEST FOR REVIEW
OF DECISION OF THE
UNIVERSAL SERVICE ADMINISTRATOR**

Spectrum Communications and Cabling Services, Inc. ("Spectrum"), pursuant to Sections 54.719(c) and 54.722 of the Commission's rules,¹ hereby respectfully requests that the Commission review and reverse the April 7, 2003 and April 22, 2003 Funding Commitment Decision (the "Decisions") issued by the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") with respect to the above-referenced

¹ 47 C.F.R. §§ 54.719(c), 54.722.

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applications of Banning Unified School District (“Banning”) seeking funding for E-Rate Program Year 5.

I. Background

This request for review of the denial of Banning’s Year 5 Application is based upon fact similar to those set forth in Spectrum’s pending request for review of the denial of Banning’s E-Rate Program Year 4 funding requests. A brief summary of the pertinent facts follows.

Year 3. Banning’s Form 470 was posted December 2, 1999 (Application No. 12780000261241). The contact person named was Marta Norton, a Banning employee, and the Form 470 was signed by Dr. Kathy McNamara, Superintendent of the Banning Unified School District.² Following a competitive bidding process that complied with all applicable Commission and SLD rules, Spectrum and Banning entered into a three-year agreement pursuant to which Spectrum would provide internal connection services. Banning subsequently filed a Form 471 (Application No. 203772), again naming Ms. Norton as the contact, which listed Funding Request Numbers (“FRNs”) for the purchase of internal connections from Spectrum. That application was granted, and FRNs associated with Spectrum were approved.

Year 4. Banning filed a Form 470 initiating a competitive bidding process for telecommunications services and Internet services; based on its existing multiple-year agreement for internal connections, Banning did not check Item 10 of Form 470.³ The contact person named was Mr. Carlos Perez, an employee of Accurate Technology Group (“ATG”), which had

² See Attachment 1.

³ See Attachment 2.

been engaged by Banning to function as its Information Technology department.⁴ Banning subsequently submitted its Year 4 Form 471 Application (No. 226998) listing Spectrum as the service provider in connection with ten FRNs for internal connection services to be purchased pursuant to the multiple-year agreement entered into following its Year 3 competitive bidding.⁵ The Year 4 Form 471 also named Mr. Perez of ATG as the contact for Banning.

ATG did not participate in Banning's Year 4 competitive bidding process. After Banning's Year 4 Form 471 Application was filed, ATG requested, and SLD approved, a change in the Service Provider Information Number ("SPIN") for the FRNs that had been associated with Spectrum in that Application. The change was made without the knowledge of, or notice to, Spectrum.

SLD denied Banning's Year 4 Form 471 Application in full on December 16, 2001. Banning timely filed an appeal of the denial with SLD,⁶ in which Banning stated that it had directed ATG to request a SPIN change only for one FRN (523623). Banning acknowledged that this requested SPIN change request "could be perceived as a violation of competitive bidding, and therefore [did] not appeal[] the decision on this particular FRN."⁷ Thus, Banning appealed the denial of its other Year 4 Application FRNs associated with Spectrum, Verizon California, and Verizon Internet Solutions.⁸

⁴ See Attachment 3.

⁵ The Year 4 Form 471 also listed Verizon California Inc. and Verizon Internet Solutions as the service providers in connection with FRNs for telecommunications services and Internet services, respectively.

⁶ See Attachment 3.

⁷ *Id.*

⁸ *Id.*

SLD denied Banning's appeal on July 22, 2002, stating:

Upon review of the Form 470s ... cited on the funding requests being appealed, it is clear that a vendor, Accurate Technology Group, was listed as the contact for both Form 470s. Once this violation has been identified all funding requests that cite these ineligible Form 470s must be denied according to program rules.

These funding requests were denied because the associated Form 470s contained service provider contact information. A competitive bidding violation occurs when the service provider associated with the Form 470 participates in the competitive bidding process.⁹

On September 20, 2002, Spectrum timely filed with the Commission a request for review of the SLD denial.¹⁰ That request for review remains pending.

Year 5. For E-Rate Program Year 5, Banning again filed a Form 470 for telecommunications and Internet services only and did not initiate competitive bidding for the internal connections services that remained subject to its three-year agreement with Spectrum.¹¹ The Form 470 named contact was Mr. Joe Enserro, a Banning employee. Following the completion of its competitive bidding process for telco and Internet services, Banning filed two Forms 471 seeking funding to purchase, *inter alia*, eligible internal connection services based on its prior competitive bidding process. Banning listed its contact in its Year 5 Forms 471 as Mr. Enserro.

The Decisions denying Banning's Year 5 Applications state:

Funding Commitment Decision: \$0.00 – Bidding Violation

⁹ See Attachment 4, pp. 1-2.

¹⁰ See Attachment 5. Spectrum incorporates herein by reference relevant portions of that Request for Review.

¹¹ See Attachment 6.

Funding Commitment Decision Explanation: Associated Form 470 contains service provider (SP) contact information. Competitive bidding violation occurs when SP associated with Form 470 participates in competitive bidding process as a bidder.¹²

II. The Year 5 Denial Must Be Reversed

As Spectrum explained in its pending request for review related to Banning's Year 4 Application, denial is inconsistent with applicable Commission precedent, including the *Mastermind*¹³ and *Copan*¹⁴ decisions, and must be reversed. In addition, to the extent the circumstances presented are not directly addressed by those decisions, the Commission should find that denial is not warranted.

The stated reason for the denial of Banning's Year 5 Application was that a "competitive bidding violation occurs when [service provider] associated with Form 470 participates in competitive bidding process as a bidder." Here, the referenced "service provider associated with Form 470" was ATG, which was listed as the contact only on Banning's Form 470 for Year 4, and later, after the filing of Banning's Year 4 Form 471 – and without having participated in the competitive bidding process that resulted in Banning's funding requests for Year 5 (or Year 4) – requested a SPIN change for a single FRN associated with the Year 4 application.

SLD's finding of a "bidding violation" relies on the Commission's *Mastermind* decision. In *Mastermind*, the Commission held that, "to the extent a Mastermind employee was listed as

¹² Copies of the Decisions are Attachment 7 hereto. The following FRNs are the subject of this Request for Review: 774118; 774129; 774142; 774152; 774172; 774186; 774204; 774218; 774234; 774247; 774261; 774272; 774287; 774303; 774309; 774322; 774336; 774342; 774353; 774372; 774381; 774392; 774399; 774412; 774418; and 774423 (Application No. 295351), and 816264, 816280, 816296, 816305, 816324, 816333, 816352, 816362, and 816372 (Application No. 312273).

¹³ *Request for Review of Decisions of the Universal Service Administrator by MasterMind Internet Services, Inc.*, 16 FCC Rcd 4028 (2000) ("*MasterMind*").

¹⁴ *Request for Review of the Decision of the Universal Service Administrator by Copan Public Schools, Copan, Oklahoma*, 15 FCC Rcd 5498 (2000) ("*Copan*").

the contact person on the FCC Form 470 that initiated a competitive bidding process in which Mastermind participated [as a service provider], such Forms 470 were defective and violated our competitive bidding requirements.”¹⁵ The holding applied to all funding requests for which Mastermind was the named service provider and (1) an employee of Mastermind had been named as the contact person on the associated Form 470, (2) an employee of Mastermind had signed the Form 470, or (3) an employee of Mastermind had signed a Form 471 associated with the funding request.¹⁶

Here, the Year 5 (and Year 4) funding requests associated with Spectrum that were denied were not the result of a competitive bidding process related to a Form 470 for Year 5 (or for Year 4). Thus, in contrast to *Mastermind*, ATG did not participate in the bidding process that resulted in Spectrum being selected as the service provider associated with the denied funding requests. Banning’s Form 471 funding requests, with respect to Spectrum, were based solely on a competitive bidding process conducted during Funding Year 3.

According to the SLD’s Service Provider Manual:

If a representative or employee of a Service Provider which furnishes Internal Connections serves as the contact on a Form 470 seeking telecommunications services and Internal Connections, that entire Form 470 is rendered invalid and cannot be cited to support any FRNs. That is because there is a rebuttable presumption that the Service Provider is participating in the competitive bidding process if the Form 470 seeks the type of services furnished by the Service Provider. The applicant can rebut the presumption by proving that, in fact, the Service Provider did not participate in the competitive bidding.”¹⁷

¹⁵ *Mastermind*, 16 FCC Rcd at 4032.

¹⁶ *Id.* at 4031.

¹⁷ The SLD Guide to Service Provider Participation in the E-Rate, www.sl.universalservice.org/vendor/manual, Section 5.

The presumption must be deemed rebutted where, as here, (1) not only did ATG not participate in the competitive bidding process (which occurred in Year 3) that resulted in Spectrum being selected as the service provider, but also (2) there was no competitive bidding for the denied funding requests for Year 5 (or Year 4), and (3) ATG was not the contact on Banning's Year 5 Applications.

Furthermore, also according to SLD's Service Provider Manual, "[i]f ... the Form 470 which listed as a contact a representative or employee of a Service Provider which furnishes Internal Connections sought only telecommunications services, that Form 470 would be considered valid...." This is precisely the situation here, because the contact listed on Banning's Year 4 Form 470 was a provider of internal connections services, but that Form 470 did not establish a competitive bidding process for internal connections. Similarly, Banning's Year 5 Form 470 did not establish a competitive bidding process for internal connections – and, no service provider of any type was named as the contact.

Also unlike *Mastermind*, the service provider listed as Banning's contact on its Year 4 Forms 470 and 471 became identified as a service provider only by submitting a SPIN change after the Form 471 was filed. *Mastermind* thus is inapposite in light of *Copan*, which clearly establishes the circumstances under which SPIN changes are permitted. In *Copan*, the Commission announced a new policy applicable to SPIN changes made after the filing of a Form 471 application. Specifically, SPIN changes are permitted when an applicant certifies that (1) the SPIN change is allowed under state and local procurement rules and under the terms of the contract between the applicant and the original service provider, and (2) the applicant has

notified its original service provider of its intent to change providers.¹⁸ Here, *Copan* was not satisfied because the original service provider affected by the SPIN change, Spectrum, was not notified prior to the change.¹⁹

Because ATG's SPIN change request both was defective on its face and did not taint the pre-existing competitive bidding process, SLD should have rejected the SPIN change request and left the results of the competitive bidding in place. There was no rationale for SLD to take the additional step of denying all funding to Banning. Copan does not address the issue of how SLD should treat a SPIN change request that contains what may appear to be a proper certification, but otherwise is facially defective; Copan also does not specifically address the instant situation in which a SPIN change request substitutes a service provider that is serving as an applicant's Form 470 contact in place of a service provider chosen through competitive bidding. A request to substitute an ineligible service provider should be patently obvious to SLD personnel charged with examining SPIN change requests, and thus should not be granted. The Commission should therefore direct SLD to clarify its procedures to ensure that even if an otherwise apparently proper certification is made, the SPIN change request should be rejected – without prejudice to pending funding requests – when that request is defective.

In its pending request for review of the Year 4 Denial, Spectrum requested that the Commission direct SLD to fully fund Banning's E-Rate Program Year 4 application, including all ten FRNs associated with Spectrum. Spectrum further asked that, in the event SLD does not

¹⁸ See *Copan Public Schools*, 15 FCC Rcd at 5501.

¹⁹ Moreover, there is no precedent for denying all FRNs where, as here, a SPIN change affects only a single FRN. Under the circumstances – and, again, taking into account the fact that the original service provider did not receive the required notice of the SPIN change – the Commission should find that no interest is served in denying all funding requests. Such a result is not inconsistent with *Mastermind*.


fund the FRNs associated with Spectrum, the Commission should direct USAC to modify its web site to clarify that Spectrum was not to blame for the violation that resulted in denial of funding. Spectrum requests identical relief with respect to the Banning Year 5 Application and the FRNs denied by the SLD's Decisions.

III. Conclusion

WHEREFORE, the foregoing premises having been duly considered, Spectrum respectfully requests that the Commission promptly review and reverse the SLD Decision denying funding for the FRNs specified herein associated with the above-referenced application.

Respectfully submitted,

**SPECTRUM COMMUNICATIONS
CABLING SERVICES, INC.**

By: 
E. Ashton Johnston
Vincent M. Paladini


PIPER RUDNICK LLP
1200 19th Street, N.W.
Washington, D.C. 20036
Tel: (202) 861-3900
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June 6, 2003

DECLARATION

I, Russell Reshaw, hereby declare the following under penalty of perjury under the laws of the United States of America:

1. I am a Vice President of Spectrum Communications Cabling Services, Inc.
2. I have reviewed and am familiar with the foregoing Request for Review of the denial of Banning Unified School District's requests for funding (the "Request"), to which this Declaration is attached.
3. To the best of my knowledge, information, and belief, all statements of fact set forth in the Request are true and correct.


Russell Reshaw

June 6, 2003

ATTACHMENT 1

FCC Form

Approval by OMB
3060-0806**470**

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 5.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before completing.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

(School, library, or consortium desiring Universal Service funding.)

Form 470 Application Number: 127280000261241

Applicant's Form Identifier: busd-2000-01

Application Status: CERTIFIED

Posting Date: 12/02/1999

Allowable Contract Date: 12/30/1999

Certification Received Date: 12/06/1999

1. Name of Applicant: BANNING UNIFIED SCHOOL DISTRICT			
2. Funding Year: 07/01/2000 - 06/30/2001		3. Your Entity Number 143678	
4. Applicant's Street Address, P.O.Box, or Route Number			
a. Street 161 W. Williams St.			
City BANNING	State CA	Zip Code 5Digit 92220	Zip Code 4Digit 4798
b. Telephone number (909) 922- 2705		c. Fax number (909) 922- 2744	
d. E-mail Address mnorton@banning.k12.ca.us			
5. Type Of Applicant (Check only one box)			
<input type="radio"/> Library (including library system, library branch, or library consortium applying as a library)			
<input type="radio"/> Individual School (individual public or non-public school)			
<input checked="" type="radio"/> School District (LEA; public or non-public[e.g., diocesan] local district representing multiple schools)			
<input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia)			
6a. Contact Person's Name: Marta Norton			
6b. Street Address, P.O.Box, or Route Number (if different from Item 4)			

161 W. Williams St.			
City BANNING	State CA	Zip Code 5Digit 92220	Zip Code 4Digit 4798
6c. Telephone Number (10 digits + ext.) (909) 922- 2705			
6d. Fax Number (10 digits) (909) 922- 2744			
6e. E-mail Address (50 characters max.) mnorton@banning.k12.ca.us			

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

- a. ☒ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.
- b. ☒ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.
- c. ☒ Services for which a new written contract is sought for the funding year in Item 2.
- d. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a qualified contract for all or part of the funding year in Item 2 do NOT require filing of Form 470. A qualified contract is a signed, written contract executed pursuant to posting a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract.

8 ☒ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

- a. ☐ **YES**, I have an RFP. Choose one of the following: It is available on the Web at _____ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

- b. ☒ **NO**, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each **service or function** (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services, and remember that only common carrier telecommunications companies can provide these services under the universal service support mechanism. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
Basic Telephone including Centranet and measured service	District Office and 8 schools, existing plus growth
Local Toll, Inter-LATA, Intra-LATA, Intra-State, Inter-State, Long Distance	District Office and 8 schools, existing plus growth
Advanced digital Network services for voice video and data such as Frame Relay and ISDN, 128K through T-1	District Office and 8 schools, existing plus growth
Analog data circuits	District Office and 8 schools, existing plus growth

9 ☒ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a ☐ **YES**, I have an RFP. Choose one of the following: It is available on the Web at
or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☒ **NO**, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each **service or function** (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access Services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
Internet Service Provider Service	Existing T-1 and possibly increasing capacity and/or number of connections

10 ☒ Internal Connections

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a ☐ **YES**, I have an RFP. Choose one of the following: It is available on the Web at
or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☒ **NO**, I do not have an RFP for these services.

If you answered NO, you must list below the Internal Connections Services you seek. Specify each **service or function** (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56Kbps or better). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections Services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
Upgrade existing and/or install new wiring in classrooms, labs, libraries, and other instructional areas	8 schools
Network electronics for voice and data such as but not limited to PBX, Router, Lan Switch, Hub, firewall, etc.	District Office and 8 schools
Internet Server	10 servers
Maintenance and Installation for new and existing network hardware (Voice and Data)	District Office and 8 schools, existing plus growth

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name:	Title:
Marta Norton	Computer Services Supervisor

Telephone number (10 digits + ext.)
(909) 922 - 2705

Fax number
(909) 922 - 2744

E-mail Address (50 characters max.)
mnorton@banning.k12.ca.us

12. ☒ Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or give Web address where they are posted.

Must use District forms. Contact Sandy Falls at (909) 922-0210 for copy of forms

13. (Optional) Purchases in future years: If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely time-frames).

Block 3: Technology Assessment

14. ☐ **Basic telephone service only:** If your application is for basic local and long distance voice telephone service only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop communications software: Software required ☒ has been purchased; and/or ☐ is being sought.

b. Electrical systems: ☒ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers ☐ has been purchased; and/or ☒ is being sought.

d. Computer hardware maintenance: adequate arrangements ☒ have been made; and/or ☐ are being sought.

e. Staff development: ☒ all staff have had an appropriate level of training or additional training has already been scheduled; and/or ☐ training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Service:

Check the ONE choice that best describes this application and the eligible entities that will receive the services described in this application.

You must select a state if (b) or (c) is selected: **CA**

a. ☐ Individual school or single-site library: Check here, and enter the billed entity in Item 17.

b. ☐ Statewide application (check all that apply):

☐ All public schools/districts in the state:

☐ All non-public schools in the state:

☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ If checked, complete Item 18.

c. ☒ School district, library system, or consortium application to serve multiple eligible sites:

Number of eligible sites	9
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
909	922
If your application includes INELIGIBLE entities, check here. <input type="checkbox"/> If checked, complete Item 18.	

17. Billed Entities

Entity Name	Entity Number
BANNING UNIFIED SCHOOL DISTRICT	143678

18. Ineligible Entities

Ineligible Participating Entity	Entity Number	Area Code	Prefix
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Block 5: Certification

19. The applicant includes:(Check one or both)

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a. ☐ individual technology plans for using the services requested in the application
- b. ☒ higher-level technology plans for using the services requested in the application
- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. ☒ technology plan(s) has/have been approved by a state or other authorized body.
- b. ☐ technology plan(s) will be approved by a state or other authorized body.

- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only. .
22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.
23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.
24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
25. Signature of authorized person: ☒
26. Date (mm/dd/yyyy): 12/02/1999
27. Printed name of authorized person: Dr. Kathy McNamara
28. Title or position of authorized person: Superintendent
29. Telephone number of authorized person: (909) 922 - 0201 ext.

[New Search](#)[Return To Search Results](#)

ATTACHMENT 2

FCC Form

Approval by OMB
3060-0806**470**

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 5.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before completing.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

(School, library, or consortium desiring Universal Service funding.)

Form 470 Application Number: 928580000312291

Applicant's Form Identifier: Banning-2001-2002-1

Application Status: CERTIFIED

Posting Date: 11/20/2000

Allowable Contract Date: 12/18/2000

Certification Received Date: 11/27/2000

1. Name of Applicant: BANNING UNIFIED SCHOOL DISTRICT			
2. Funding Year: 07/01/2001 - 06/30/2002		3. Your Entity Number 143678	
4. Applicant's Street Address, P.O.Box, or Route Number			
a. Street 161 W. WILLIAMS ST			
City BANNING	State CA	Zip Code 5Digit 92220	Zip Code 4Digit 4746
b. Telephone number (909) 922- 2705		ext. c. Fax number (909) 922- 2744	
d. E-mail Address atg@banning.k12.ca.us			
5. Type Of Applicant (Check only one box)			
<input type="radio"/> Library (including library system, library branch, or library consortium applying as a library)			
<input type="radio"/> Individual School (individual public or non-public school)			
<input checked="" type="radio"/> School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)			
<input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia)			
6a. Contact Person's Name: Carlos Perez			
6b. Street Address, P.O.Box, or Route Number (if different from Item 4)			

161 W. WILLIAMS ST			
City BANNING	State CA	Zip Code 5Digit 92220	Zip Code 4Digit 4746
6c. Telephone Number (10 digits + ext.) (909) 922- 2705			
6d. Fax Number (10 digits) (909) 922- 2744			
6e. E-mail Address (50 characters max.) atg@banning.k12.ca.us			

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

a. ☒ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.

b. ☒ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.

c. ☒ Services for which a new written contract is sought for the funding year in Item 2.

d. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a qualified contract for all or part of the funding year in Item 2 do NOT require filing of Form 470. A qualified contract is a signed, written contract executed pursuant to posting a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract.

8 ☒ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a. ☐ **YES**, I have an RFP. Choose one of the following: It is available on the Web at _____ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b. ☒ **NO**, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services, and remember that only common carrier telecommunications companies can provide these services under the universal service support mechanism. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
900/976 Blocking	8 Schools + D.O.
ADSL	8 Schools + D.O.
ATM	8 Schools + D.O.
Basic Telephone Service	8 Schools + D.O.
Cellular Service	8 Schools + D.O.
CENTREX	8 Schools + D.O.
DDS	8 Schools + D.O.
DSL	8 Schools + D.O.
DID	8 Schools + D.O.
Distance Learning	8 Schools + D.O.

DS-1	8 Schools + D.O.
Fractionalized T-1	8 Schools + D.O.
Frame Relay Service	8 Schools + D.O.
HDSL	8 Schools + D.O.
High Capacity Service	8 Schools + D.O.
Homework Hotline Service	8 Schools + D.O.
ISDN	8 Schools + D.O.
Local Loop	8 Schools + D.O.
Local Measured Service	8 Schools + D.O.
Long Distance Service&Charges	8 Schools + D.O.
Message Rate Service	8 Schools + D.O.
Paging Service	8 Schools + D.O.
PCS	8 Schools + D.O.
POTS	8 Schools + D.O.
T-1	8 Schools + D.O.
Trunk	8 Schools + D.O.
Toll Charges	8 Schools + D.O.
Labor	8 Schools + D.O.
Maintenance & Installation	8 Schools + D.O.

9 ☒ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at
or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each **service or function** (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access Services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
Bundled or Unbundled Access	8 Schools + D.O.
DS-1 / T-1	8 Schools + D.O.
Domain Name Registration	8 Schools + D.O.
E-Mail Service	8 Schools + D.O.
Labor	8 Schools + D.O.
Maintenance and Installation	8 Schools + D.O.

10 ☐ Internal Connections

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at
or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☐ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internal Connections Services you seek. Specify each **service or function** (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56Kbps or better). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections Services. Add additional lines if needed.

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name:

Carlos Perez

Title:

Contract Director of Technology

Telephone number (10 digits + ext.)

(909) 922 - 2705

Fax number

(909) 922 - 2744

E-mail Address (50 characters max.)

atg@banning.k12.ca.us

12. ☐ Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or give Web address where they are posted.

13. (Optional) Purchases in future years: If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely time-frames).

Block 3: Technology Assessment

14. ☐ **Basic telephone service only:** If your application is for basic local and long distance voice telephone service only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop communications software: Software required ☒ has been purchased; and/or ☐ is being sought.

b. Electrical systems: ☒ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers ☒ has been purchased; and/or ☐ is being sought.

d. Computer hardware maintenance: adequate arrangements ☒ have been made; and/or ☐ are being sought.

e. Staff development: ☒ all staff have had an appropriate level of training or additional training has already been scheduled; and/or ☐ training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Service:

Check the ONE choice that best describes this application and the eligible entities that will receive the services described in this application.

You must select a state if (b) or (c) is selected: **CA**

a. ☐ Individual school or single-site library: Check here, and enter the billed entity in Item 17.

b. ☐ Statewide application (check all that apply):

- ☐ All public schools/districts in the state:
☐ All non-public schools in the state:
☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ If checked, complete Item 18.

c. ☒ School district, library system, or consortium application to serve multiple eligible sites:

Number of eligible sites	9
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
909	922
If your application includes INELIGIBLE entities, check here. <input type="checkbox"/> If checked, complete Item 18.	

17. Billed Entities

Entity Name	Entity Number
BANNING UNIFIED SCHOOL DISTRICT	143678

18. Ineligible Entities

Ineligible Participating Entity	Entity Number	Area Code	Prefix
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Block 5: Certification**19. The applicant includes:(Check one or both)**

a. ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and

Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or

b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a. ☐ individual technology plans for using the services requested in the application
b. ☒ higher-level technology plans for using the services requested in the application
c. ☐ no technology plan needed; application requests basic local and long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. ☒ technology plan(s) has/have been approved by a state or other authorized body.
b. ☐ technology plan(s) will be approved by a state or other authorized body.
c. ☐ no technology plan needed; application requests basic local and long distance telephone service only. .

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person: ☒

26. Date (mm/dd/yyyy): 11/21/2000

27. Printed name of authorized person: James Ashton

28. Title or position of authorized person: Assistant Superintendent

29. Telephone number of authorized person: (909) 922 - 0210 ext.

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ATTACHMENT 3